



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

January 06, 2021

Drake Malpass
327 Brown Road
Simpsonville SC 29681

Nick Burns
446 Crosby Circle
Greenville SC 29681

Re: Drake Malpass v. Nick Burns
Appellate Case No. 2018-001886

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen

CLERK

cc: The Honorable Perry H. Gravely

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Drake Malpass, Appellant,

v.

Nick Burns, Respondent.

Appellate Case No. 2018-001886

Appeal From Greenville County
Perry H. Gravely, Circuit Court Judge

Unpublished Opinion No. 2021-UP-001
Submitted November 1, 2020 – Filed January 6, 2021

AFFIRMED

Drake Malpass, of Simpsonville, pro se.

Nick Burns, of Greenville, pro se.

PER CURIAM: Drake Malpass appeals a circuit court order affirming the magistrate court's order dismissing his complaint against Nick Burns. Because Malpass has failed to provide a sufficient record upon which this court can make a decision, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: Rule 210(h), SCACR ("[T]he appellate court will not consider any fact which does not appear in the Record on Appeal."); *Medlock v. One 1985 Jeep Cherokee VIN 1JCWB7828FT129001*, 322 S.C. 127, 132, 470 S.E.2d 373, 376

(1996) ("The appellant has the burden of providing this court with a sufficient record upon which to make a decision."); *Germain v. Nichol*, 278 S.C. 508, 509, 299 S.E.2d 335, 335 (1983) ("Appellant has the burden of providing [an appellate court] with a sufficient record upon which [the appellate court] can make its decision."); *id.* (affirming the trial court's judgment when the appellant failed to provide "any of the trial testimony" to support his argument that the evidence did not justify the damages award); *Price v. Pickens Cnty.*, 308 S.C. 64, 67, 416 S.E.2d 666, 668 (Ct. App. 1992) (affirming an appeal from the circuit court in which the appellant failed to provide "the complete order of the magistrate").¹

AFFIRMED.²

LOCKEMY, C.J., and KONDUROS and MCDONALD, JJ., concur.

¹ We note the record on appeal does not contain a complete copy of the hearing transcripts, a complete copy of the circuit court's order, the magistrate court's order, the underlying complaint, or any answer from Burns.

² We decide this case without oral argument pursuant to Rule 215, SCACR.